

Chapter 5**Creditors' Claims****RULE 605.01 FORM OF CLAIMS**

Judicial Council Creditor's Claim Form DE-172 must be filed by claimants in all cases commenced on or after July 1, 1988. Judicial Council Creditor's Claim Form DE-170 remains applicable in cases commenced before that date.

Where Forms DE-170 are used and are presented by claimants to the representative, it is the duty of the attorney for the representative to see that all claims submitted by the attorney to the Court are in proper form, duly verified and contain sufficient detail to enable the court to act on them without the necessity of requiring additional information.

Amended claims and revised claims shall be filed in the same manner as the original claims.

Documentary support of all claims must be attached to the claim in accordance with Probate Code Sections 9151 and 9152. Where the documentary support is lengthy, claimants should lodge their exhibits with the clerk of the probate department for review by the court, and make arrangements for their return to the claimant when the court has completed its action on the claim. See Rule 601.03.

RULE 605.02 ALLOWANCE OR REJECTION OF CLAIMS

In cases commenced prior to July 1, 1988, where Form DE-170 is used by the claimant, the representative may endorse allowance or rejection of the claim on the original Creditor's Claim form prior to filing with the court if the original Creditor's Claim is presented to the representative by claimant, or the representative may execute a separate form of allowance or rejection using Form DE-174 "Allowance or Rejection of Creditor's Claim" filed directly with the court or by an endorsement of allowance or rejection of the duplicate claim and filing such duplicate with the court.

Where Form DE-172 is filed by the claimant, Form DE-174 must be completed by the representative and submitted to the Court.

If an allowed creditor's claim is presented for action by the court and the court requires additional or corrective action by the claimant or estate representative, the attorney for the representative will be notified by letter and the claim suspended 60 days. If no response is received by the end of the suspense period, the claim will be filed without action by the court.

If a personal representative is acting under the Independent Administration of Estates Act, and no action by the Court is being requested on the claim, the place provided for allowance or rejection by the judge should be endorsed with a statement in substantially the following form: "Filed for Information Purposes Only. No Court Action Requested."

RULE 605.03 CLAIMS OF REPRESENTATIVES AND THEIR ATTORNEYS

The representative shall not pay any claims of the representative or the attorney for the representative without prior court approval. All such claims must be filed with the court for allowance or rejection by the court within the period allowed by statute. See Probate Code Sections 9100 and 9252 and Rule 605.06.

RULE 605.04 APPROVAL OF FUNERAL AND INTERMENT CLAIMS

In acting upon creditor's claims for decedent's funeral and interment, the court is bound by Estate of Malgor (1947) 77 Cal.App.2d 535 and other decisions to disallow unreasonably large claims.

All creditors' claims for funeral expenses must contain a statement setting forth the estimated value of the estate. Ordinarily funeral creditors' claims approved by the representative which are reasonable on their face will be approved by the court. Claims unusually large on their face will not be approved until the time for the filing of creditors' claims has expired and it appears that the estate is solvent, unless an affidavit is filed by the representative setting forth facts which justify a larger expenditure by reason of the value of the estate and the standard of living of the decedent.

RULE 605.05 PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS

When accrued interest has been paid in connection with the delayed payment of claims for the reasonable cost of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken setting forth reasons for any delay in making payment. The court will not allow credit for payment of interest where the delay in payment of claims is not justified by the facts set forth.

Interest on funeral and interment creditors' claims will only be allowed as provided by Health and Safety Code Section 7101.

**RULE 605.06 CLAIMS OF PERSONAL REPRESENTATIVES FOR
REIMBURSEMENT FOR DEBTS OF DECEDENT AND FUNERAL
EXPENSES**

Debts of decedent incurred prior to death and funeral expenses paid by representatives from their own funds for which they seek reimbursement must be submitted as formal creditor's claims, presented and filed in the usual way and supported by a receipt or other sufficient evidence of payment by the representative. Such claim must be presented to the court for allowance or rejection within the statutory period for presentation of claims.

Administration expenses advanced by the representative do not require the submission of a creditor's claim.

**RULE 605.07 CLAIMS ACTED UPON BY PERSONAL REPRESENTATIVES
ACTING UNDER INDEPENDENT ADMINISTRATION OF ESTATES
ACT**

A schedule of all claims acted upon by the personal representative acting under the Independent Administration of Estates Act prior to Court approval must be listed in any petition for distribution showing the name of the claimant, the amount claimed, the date presented, the date allowed and, if paid, the date and amount of payment. As to any claims rejected, the date of rejection must be set forth and the original notice of rejection with proof of mailing to the creditor must be filed. The petition must also contain an allegation that all debts paid were legally enforceable claims against the estate. See Rule 608.08.